

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CRAIG TIMOTHY SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:20-cv-00038-SEB-MJD
)	
SHERIFF MATT MYERS, in his)	
official capacity and OFFICERS)	
ROBINSON, MEGEL and BURKE,)	
individually,)	
)	
Defendants.)	

MOTION TO COMPEL DISCOVERY

Come now defendants sheriff Matt Myers, in his official capacity, and officers Robinson, Megel, and Burke, individually, by counsel, and pursuant to Fed.R.Civ.P. 37(a) move the Court for an order compelling plaintiff Craig Smith to answer interrogatories and respond to the request for production. In support of their motion, defendants state the following.

1. On October 7, 2020, defendants served a request for production and interrogatories. Service was by mail to the address for Smith reflected on the Court's docket.
2. Per Fed.R.Civ.P. 6(d), 33(b)(2)(A), and 34(b)(2), Smith's response to this discovery was due November 10, 2020. To date defendants have not received either answers to interrogatories nor a response to the request for production.
3. Pursuant to Rule 37(a)(1), undersigned counsel certifies that on November 16, 2020, the attached letter (exhibit A) was sent to Smith indicating his discovery responses were overdue and enclosing additional copies of the production request and interrogatories. In the letter counsel indicated that the discovery responses would need to be received by November 30, 2020

to avoid court intervention and that if the discovery responses were not received by that date, counsel would file a motion to compel.

4. Pursuant to the Court's order setting the pretrial schedule, the parties were to serve initial disclosures by October 9, 2020 [[Doc. 34 at 1-2](#)]. The order specifies the types of information and documents to be included in plaintiff's initial disclosures. Defendants served their initial disclosures on October 9. To date Smith has not served initial disclosures.

5. Because Smith has failed to respond to discovery or serve initial disclosures, defendants respectfully request that the Court order Smith to respond to the discovery requests and serve initial disclosures within 10 days. The current discovery cut-off date is April 2, 2021. Defendants need Smith's discovery responses and initial disclosures to schedule and prepare for Smith's deposition and conduct any necessary follow-up discovery. The discovery responses and initial disclosures are needed to move this case forward.

Respectfully submitted,

STEPHENSON MOROW & SEMLER

s/Rosemary L. Borek
Rosemary L. Borek
Attorney No. 20036-41
Attorney for defendants,
Sheriff Matt Myers in his official capacity,
Sam Robinson, Dakota Megel and Dakota Burke

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2020, a copy of the foregoing was filed electronically.

I further certify that a copy of this document was sent by U.S. Mail, postage-prepaid on the same date to the following:

Craig Timothy Smith
730 Schnier Drive
#103
Columbus, IN 47201

s/Rosemary L. Borek
Rosemary L. Borek

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